IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

GUARDIANSHIP PETITION NO.89 OF 2004

In the matter of Guardianship and Wards Act, 1890 ;

And

In the matter of Ms.Nasreenbano, Miss, Taskin, and Master Abdul Salam also known as Abdur Salam

Smt.Rahimabee Ibadat Hussain Shaikh ....Petitioner

Ms.Shafaq Uraizee for the Petitioner.

CORAM : S.J. VAZIFDAR, J.
DATED : 27TH OCTOBER, 2004.

P.C. :

1. The Petitioner is the natural mother of the three minor children of whom she seeks to be appointed as the guardian. Her husband expired on 28th July, 1998. As the Petitioner is the natural mother of the three minor children, the notice under Section 11 of the Guardians and Wards Act, is dispensed with. The amounts due to the deceased in respect of his provident fund amount have been sought to be distributed amongst the children after deducting the

amount due to the Petitioner herself. The deduction and apportionment is in accordance with Shariat Law under which the widow is entitled to 1/8th share. From the balance, the son is entitled to a 7/16th share and the daughters are entitled to the balance equally.

2. In the circumstances, the Petition is made absolute in terms of prayers (a), (b), (c) and (cc). The Regional Provident Fund Commissioner shall hand over 1/8th of the amounts lying in the provident fund account of the deceased to the Petitioner directly.

3. The Petition is accordingly disposed of.

. All the concerned parties including the Regional Provident Fund Commissioner to act on an ordinary copy of this order duly authenticated by the Chamber Registrar/Court Stenographer of this Court.